

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Government Response
to Defense
Additional Requested Witnesses:
Article 13

16 October 2012

The United States reviewed the defense witness request dated 26 September 2012. Pursuant to Rule for Courts-Martial (RCM) 703(b)(1), the United States makes the following determinations regarding defense requested Article 13 witnesses:

1. Col Thomas Johnson: The United States denies production of Col Johnson. The defense's proffered testimony of Col Johnson is not relevant and necessary under RCM 703(b)(1). Col Johnson is irrelevant because he was a public affairs officer (PAO) responsible for relaying information to the media. As a PAO, Col Johnson did not make any determinations regarding the accused's classification and status. Col Choike, Col Oltman, CWO4 Averhart, and CWO2 Barnes will testify regarding the limited extent of LtGen Flynn's involvement, thereby making Col Johnson's testimony cumulative and unnecessary.

2. Capt Brian Villiard: The United States denies production of Capt Villiard. The defense's proffered testimony of Capt Villiard is not relevant and necessary under RCM 703(b)(1). Capt Villiard is irrelevant because he was a PAO responsible for relaying information to the media. As a PAO, Capt Villiard did not make any determinations regarding the accused's classification and status. CWO4 Averhart and CWO2 Barnes will testify regarding the requirement that the accused surrender his clothing, and CWO2 Barnes will testify regarding the events of 2 March 2011, thereby making Capt Villiard's testimony cumulative and unnecessary.



ALEXANDER VON ELTEN
CPT, JA
Assistant Trial Counsel

I certify that I served or caused to be served a true copy of the above on Mr. David Coombs, Civilian Defense Counsel via electronic mail, on 16 October 2012.



ALEXANDER VON ELTEN
CPT, JA
Assistant Trial Counsel